

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

KENNETH D. PARKER,

Petitioner,

v.

J.T. SHARTLE, et al.,

Respondents.

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No. 4:17-CV-362 SPM

MEMORANDUM AND ORDER

This matter is before the Court on petitioner's pro se application for writ of habeas corpus pursuant to 28 U.S.C. § 2254¹. In order to make petitioner's arguments easier to review, the Court will ask petitioner to fill out the Court's form for applying for writs of habeas corpus brought pursuant to 28 U.S.C. § 2254. *See* Local Rule 2.06(A).

The Court will also supply petitioner with a form motion for filing 28 U.S.C. § 2255 motions to vacate, set aside or correct a federal sentence, because it appears from his filing he is also seeking to overturn his federal robbery conviction.² His motion to vacate brought pursuant to 28 U.S.C. § 2255 must be filed in the United States District Court for the Western District of Missouri, while his writ of habeas corpus brought pursuant to 28 U.S.C. § 2254 must be filed in this Court.

Accordingly,

¹This matter was transferred from the United States District Court from the District of Arizona. Petitioner's application for writ of habeas corpus has been construed by the District of Arizona as a petition brought under 28 U.S.C. § 2254.

²Petitioner was sentenced to serve concurrent sentences of 100 months in three federal cases for robbery in violation of 18 U.S.C. § 2113(a). *United States v. Parker*, No. 2:12CR4029 (W.D.Mo.).

IT IS HEREBY ORDERED that the Clerk is directed to send petitioner a form for applying for a 28 U.S.C. § 2254 writ of habeas corpus, as well as a form motion to vacate in order to bring a 28 U.S.C. § 2255 action.

IT IS FURTHER ORDERED that, no later than twenty-eight (28) days from this Order, petitioner must file an amended application for § 2254 habeas corpus in this matter.

IT IS FURTHER ORDERED that if petitioner wishes to pursue his *Johnson v. United States*, 135 S.Ct. 2551 (2015), claims relating to his federal convictions and sentences, he must file those claims on a § 2255 form in the United States District Court for the Western District of Missouri.

Dated this 1st day of February, 2017.



SHIRLEY PADMORE MENSAH
UNITED STATES DISTRICT JUDGE